



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

FEB 28 2012

Donald A. Robinson, Director
Environmental Health and Safety
Draper Hall
University of Massachusetts
40 Campus Center Way
Amherst, Massachusetts 01003-9244

Re: PCB Risk-Based Decontamination and Disposal Approval under
40 CFR § 761.61(c) and § 761.79(h)
Tobin Hall
University of Massachusetts, Amherst, Massachusetts

Dear Mr. Robinson:

This is in response to the University of Massachusetts (UMASS) Notification¹ for approval of a proposed plan to address PCB contamination in a plaza area located on the west side of Tobin Hall. This area of the UMASS campus is part of the Commonwealth Honors College Residential Complex construction project. PCB-contaminated materials (e.g., caulk and concrete) that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61(a) and § 761.62 were identified in the area.

UMASS submitted a Notification under 40 CFR §§ 761.61(a) and (c) that included the following activities:

- Removal and disposal of caulk as a greater than or equal to (\geq) 50 parts per million (ppm) PCB waste in a TSCA approved or RCRA hazardous waste landfill;
- Removal of PCB contaminated *porous surfaces* (i.e., concrete decking) within a 12-inch cut line of the caulk joint with disposal as a \geq 50 ppm waste in a TSCA approved or RCRA hazardous waste landfill;

¹ The notification was prepared by Woodard & Curran on behalf of the UMASS to satisfy the requirements under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated July 20, 2011 (PCB Remediation Approach Outline); August 5, 2011 (Status Update- Tobin Hall PCB Remediation Analytical results); and, February 21, 2012 (email PCB sampling results). These submittals shall be referred to as the "Notification".

- Removal of a minimum of six (6) inches of soil from within the 24 inch wide trenches below the concrete decking caulk joints with disposal as a ≥ 50 ppm PCB waste in a TSCA approved or RCRA hazardous waste landfill;
- Removal of PCB-contaminated *porous surfaces* (i.e., concrete retaining wall and planting beds) located within a 3-inch or 6-inch cut line with disposal as a ≥ 50 PCB ppm waste in a TSCA approved or RCRA hazardous waste landfill; and,
- Encapsulation of PCB-contaminated *porous surfaces* (i.e., Tobin Hall concrete wall) located within six (6) inches above and below the caulk joint with two coats of an acrylic coating.

As indicated in the August 5, 2011 Status Update Technical Memorandum, the removal activities began on July 22, 2011 to support the overall Commonwealth Honors College Residential Complex construction project. The proposed removal and abatement work described in the Notification was completed in or about September 2011. On February 21, 2012, Woodard and Curran provided the analytical results of the PCB characterization and verification sampling of the concrete and the soils to support the work that was conducted.

Based on the EPA's review of the information provided in the Notification and the results of the characterization and verification sampling, EPA is approving UMASS's cleanup plan under § 761.61(c) and § 761.79(h). EPA finds that the encapsulation of PCB-contaminated *porous surfaces* should effectively prevent direct exposure of these PCB contaminated *porous surfaces* to building users provided the physical barriers are maintained.

Under this Approval, EPA is reserving its rights to require additional investigation or mitigation measures should EPA determine that the encapsulation is not effective in eliminating exposure to PCBs. UMASS will be required to include these PCB-encapsulated surfaces in the deed restriction and in the long-term monitoring and maintenance implementation plan (MMIP) (See Attachment 1, Conditions 7 and 8).

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

cc J. Hamel, Woodard & Curran
MassDEP – Western Region
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1:

**PCB DECONTAMINATION AND DISPOSAL APPROVAL CONDITIONS
EXTERIOR WEST SIDE OF TOBIN HALL ("the Site")
UNIVERSITY OF MASSACHUSETTS
AMHERST, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
3. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
4. The University of Massachusetts (UMASS) is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time UMASS has or receives information indicating that UMASS or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
5. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release UMASS from compliance with any applicable requirements of federal, state or local law; or 3) release UMASS from liability for, or otherwise resolve any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

6. This Approval may be revoked if the EPA does not receive written notification from UMASS of its acceptance of the conditions of this Approval within 10 business days of receipt.

DEED RESTRICTION AND USE CONDITIONS

7. Within forty-five (45) days of receipt of this Approval, UMASS shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site. Within ten (10) business days of receipt of EPA's approval of the draft deed restriction, UMASS shall record the deed restriction and shall submit a copy of the recorded deed restriction to EPA. A copy of this Approval shall be attached to the deed restriction.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

8. Within fifteen (15) days of receipt of this Approval, UMASS shall submit for EPA's review and approval, a detailed monitoring and maintenance implementation plan (MMIP) for the surface coatings. UMASS shall incorporate any changes to the MMIP required by EPA.
 - a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable.
 - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including parents, students, other on-site workers, and interested stakeholders.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the coatings encapsulating the PCB-contaminated surfaces.
 - d. UMASS shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the coatings.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
9. UMASS shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by UMASS to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

10. Any modification(s) in the plan, specifications, or information submitted by UMASS, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. UMASS shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
11. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from UMASS to make a determination regarding potential risk.
12. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

13. UMASS shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal activities and the analytical sampling shall be established and maintained by UMASS in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
14. As required under Condition 8 of this Approval, UMASS shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.
15. UMASS shall submit a final report to the EPA within thirty (30) days of receipt of this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The report shall include a certification signed by a UMASS official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.

16. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

17. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1